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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Seantain Leroy Cook,) No. CV 11-00527-PHX-FJM
10 Petitioner,)
11 vs.) **ORDER**
12 Charles L. Ryan, et al.,)
13 Respondents.)
14 _____)
15

16 The court has before it a petition under 28 U.S.C. § 2254 for writ of habeas corpus
17 (doc. 1), respondents' answer (doc. 15), petitioner's traverse (doc. 25), and the Report and
18 Recommendation of the United States Magistrate Judge (doc. 26). No objections to the
19 Report and Recommendation were filed and the time for doing so has expired.

20 We "make a de novo determination of those portions of the [magistrate judge's] report
21 or specified proposed findings or recommendations to which objection is made." 28 U.S.C.
22 § 636(b)(1). We "must review the magistrate judge's findings and recommendations de novo
23 if *objection is made*, but not otherwise." United States v. Reyna-Tapia, 328 F.3d 1114, 1121
24 (9th Cir. 2003) (emphasis in original). Because no objections have been made, we accept in
25 whole the recommendations made by the magistrate judge. We agree with his findings and
26 conclusions.

27 **IT IS ORDERED** accepting the Report and Recommendation of the magistrate judge
28 (doc. 26) and **DENYING** the petition under 28 U.S.C. § 2254 for a writ of habeas corpus

1 || (doc. 1).

2 **IT IS FURTHER ORDERED DENYING** a certificate of appealability and leave
3 to proceed *in forma pauperis*, because petitioner has failed to make a substantial showing of
4 the denial of a constitutional right under 28 U.S.C. § 2253(c)(2).

5 || DATED this 1st day of June, 2012.

Frederick J. Martone

Frederick J. Martone
United States District Judge